

Proposed Rules and Regulations

Environmental Protection

Proposed Readoption with Amendments: N.J.A.C. 7:10A Licensing of Water Supply and Wastewater Treatment System Operators

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Summary

The New Jersey Department of Environmental Protection (Department) is proposing to amend its rules at N.J.A.C. 7:10A, governing the examination and licensing of operators of water supply distribution and treatment systems and wastewater collection and treatment systems. The proposed amendments are necessary in order to comply with the United States Environmental Protection Agency (USEPA) February 5, 1999 "Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems". The Federal Safe Drinking Water Act (SDWA) amendments of 1996 required the USEPA to publish these guidelines to provide States with a minimum standard for the development, implementation, and enforcement of operator certification programs for public community and public nontransient noncommunity water systems. The guidelines require the owners of all public community and public nontransient noncommunity water systems to place the direct supervision of their water system, including each treatment facility and/or distribution system, under the responsible charge of an operator(s) holding a valid license. In addition, the guidelines indicate that States must establish training requirements for license renewal based on the level of certification held by an operator. Beginning two years after publication, the USEPA must withhold 20% of a State's Drinking Water State Revolving Fund capitalization grant funds unless the State has adopted and is implementing an operator certification program that meets the guideline requirements. The USEPA has provided State Revolving Fund monies to implement this program and also is developing a program to provide funding for the training of small system operators and unsalaried operators.

In order to comply with the USEPA guidelines, the Department is proposing to amend its regulations as follows:

(1) The Department is proposing to require that all public community water systems and all public nontransient noncommunity water systems place the direct supervision of their facilities under the responsible charge of a licensed operator holding a valid license for that system. Previously, those public community water systems which did not utilize water treatment and did not serve more than 100 service connections and those public nontransient noncommunity water systems which used groundwater, were not required to have licensed operators. This rule change would affect approximately 100 of the existing

614 public community water systems and almost all of the approximately 950 public nontransient noncommunity water systems in New Jersey.

(2) The Department proposes to establish training requirements for operator license renewal based on classification level. Continuous education requirements for license renewal are supported by both the New Jersey Section of the American Water Works Association and the New Jersey Water Environment Association. Therefore, the proposed regulations establish license renewal training requirements for both water and wastewater operators.

(3) The Department proposes to establish a new water license classification called a Very Small Water System (VSWS) license. The license classification is appropriate for less complex water systems such as any public community water system, without treatment, serving less than 101 service connections or any public nontransient noncommunity water system with limited treatment. Since this license would cover only less complex water systems, the VSWS license's proposed experience and training requirements are not as extensive as they are for the other higher level license classifications. Accordingly, the anticipated costs to obtain the VSWS license are less than for other licenses. In this way, the Department hopes to reduce the economic impact of these proposed regulatory amendments on the smaller water systems.

The types of licenses issued pursuant to this chapter are categorized by the types of systems. "S" licenses are designated for sanitary wastewater treatment systems. "N" type licenses are designated for industrial or process wastewater systems. "T" licenses are designated for potable water treatment systems. "W" licenses are designated for potable water distribution systems. "C" type licenses are designated for sanitary wastewater collection systems. "NS" type licenses are designated for industrial wastewater treatment systems consisting only of an oil water separator or a sedimentation unit. "CN" type licenses are site specific licenses designated for public wastewater collection systems which a person was operating as of July 2, 1984. "NN" type licenses are site specific licenses designated for industrial wastewater treatment systems which a person was operating with a valid S-In license on July 2, 1984. The proposed "VSWS" licenses are designated for public community water systems and public nontransient noncommunity water systems without treatment or public nontransient noncommunity water systems with limited treatment as defined in the regulations. In addition, there are four classifications for the "S", "N", "T", "W", "C" license categories. Classification 1 represents the minimum or least complicated class in each license category, while Classification 4 represents the maximum or most complicated class in each category. Except in the case of the proposed Very Small Water Systems, a point system, based upon certain technical factors, determines the classification of a facility's system and establishes the minimum class code requirement for a licensed individual.

Proposed amendments would also make the regulations consistent with the Department's reorganization of functions. The Administrator of General Services to the Commissioner now performs the functions of the former Director, Division of Financial Management and General Services. In addition,

both the Examination and Licensing Unit in the Department of Environmental Protection and the Division of Revenue in the Department of Treasury are performing some of the functions previously assigned to the former Bureau of Revenue in the Department of Environmental Protection.

A summary, of the proposed amendments follows:

Subchapter 1. Water Supply and Waste Water Collection and Treatment Systems: Examining and Licensing of Operators

N.J.A.C. 7:10A – 1.1 sets forth the scope and construction of the rules. A proposed amendment to this section adds a reference to Public Non-Community Surface Water Systems. A new subsection (d) is proposed to indicate that rule amendments pertain to public community water systems, which serve less than 101 service connections and which do not have treatment and to public nontransient noncommunity water systems, which do not use surface water. Proposed new language, at N.J.A.C. 7:10A-1.1 (d) will defer, until October 1, 2003, the application of the chapter to any public community water system, which serves 100 or fewer dwellings or properties and which does not use treatment, or to any nontransient noncommunity water system that does not use surface water.

N.J.A.C. 7:10A -1.2 sets forth the definition of terms used in these rules. The definition for "Bureau" is proposed for deletion because, as a result of reorganization, there is no longer a Bureau of Revenue within the Department of Environmental Protection. The amendments propose to broaden the "classification" definition in order to include the new VSWS water license classification. A definition of "Division" is proposed to recognize the role that the Division of Revenue in the Department of Treasury has in licensing operations. An "Examination and Licensing Unit" definition is proposed to recognize the role of that Departmental unit. A definition of "license", including the new license category of VSWS, is proposed in order to clarify the use of this term in the rule.

Because of the new USEPA requirements that all public nontransient noncommunity water systems have licensed operators, an amendment is proposed to expand the "public water distribution system" definition to include nontransient noncommunity water systems. A definition is also proposed for "Training Contact Hours (TCHs)" which operators are required to obtain in order to qualify for license renewal. A proposed definition of "Very Small Water Systems (VSWS)" includes all public community water systems, serving less than 101 service connections, with no treatment or all public nontransient noncommunity, water systems with either no treatment or minimal treatment.

N.J.A.C 7:10A – 1.3 establishes the members and term requirements of the Board of Examiners. An amendment was included to recognize the role of the present Administrator, General Services to the Commissioner. This role was previously performed by the Director of the now defunct Division of Financial Management and General Services to the Commissioner.

N.J.A.C. 7:10A – 1.5 establishes the functions, membership and term requirements of the Advisory Committee on Water Supply and Wastewater License Operator Training (Advisory Committee). A

proposed amendment to this section establishes the Advisory Committee's role in reviewing and making recommendations regarding those seminars, workshops, courses or other means by which an operator can obtain credit for TCHs for license renewal. A proposed amendment also recognizes the present administrative support currently provided by the Examination and Licensing Unit. This administrative support responsibility formerly resided with the Bureau of Revenue.

N.J.A.C. 7:10A – 1.9 provides the license renewal requirements. A proposed amendment to subsection (b) provides that renewal fees should be mailed to the Division of Revenue in the Department of Treasury rather than the Bureau of Revenue in the Department of Environmental Protection. A new subsection (d) is proposed to establish that effective October 1, 2000, all licensed operators shall begin to accumulate TCHs to meet the continuing education requirement for license renewal. Demonstration of adequate TCHs for license renewal shall be every three years, beginning October 1, 2003. Also, proposed language at N.J.A.C. 7:10A-1.9 (d) 1 and 2 provides that, for purposes of accumulating Training Contact Hours, any seminar, workshop, training course or college course approved, or substantially equivalent to any approved, by the International Association for Continuing Education and Training (IACET) is acceptable to the Department.

N.J.A.C. 7:10A-1.10 – establishes the circumstances under which a licensed operator is required for a system and sets forth the exemptions from those requirements. Proposed new language, at N.J.A.C. 7:10A-1.10 (a), provides for each specific license category as follows:

"S" category to operate a public wastewater treatment system;

"C" category to operate a public wastewater collection system;

"T" to operate a public water treatment system; T licensed operators may also operate any VSWS.

"W" category to operate a public water distribution system; W licensed operators may operate any VSWS.

"N" category to operate an industrial wastewater treatment plant.

"NS" category to operate an industrial wastewater treatment system consisting only of an oil water separator or a sedimentation unit.

"CN" to operate only the public wastewater collection system which a person was operating on July 2, 1984. An operator with a CN license is restricted to a particular system. A CN license permits the operator to continue operating only that system, and shall not be used to meet the licensed operator requirements for any other system.

"NN" to operate an industrial wastewater treatment system which a person was operating with a valid S-In license on July 2, 1984. However, the NN license may not be used to meet the licensed operator requirements for any other system.

"S-In" licenses were licenses to operate industrial wastewater treatment systems. These licenses were discontinued effective July 2, 1984.

"VSWS" to operate (a) a public community water system, which serves 100 or fewer dwellings or properties, and which does not have treatment; or (b) a public nontransient noncommunity water system which has no treatment or treatment in the form of disinfection, home style ion exchange units or any other treatment which does not require chemical addition, process adjustment, backwashing, media regeneration (for example, calcium carbonate filters, granular activated carbon, cartridge filters). This is a proposed new category for the new VSWS water license classification.

An amendment to N.J.A.C. 7:10A-1.10 (b) 1 is proposed which provides that the newly created VSWS license is one of limited scope. The current rule allows a licensed operator of a system to continue operating that system even if the Department reclassifies that system to a higher classification and the operator does not hold the higher license. Proposed amendments to this section provide that this exemption does not apply to the holders of a VSWS license. A proposed amendment to N.J.A.C. 7:10A – 1.10 (d), recodified as (e), corrects an error and provides that NN (not NS) license holders are limited to operating those systems for which the particular NN (not NS) license was issued. In addition, proposed amendments to N.J.A.C. 7:10A – 1:10 (f) 2, (h) and (i), recodified as (g) 2, (l), and (k), respectively, indicate that notifications regarding an operator's position or employment should now be addressed to the Department's Examination and Licensing Unit rather than the Department's former Bureau of Revenue.

N.J.A.C. 7:10A – 1.14 describes the types of systems which require a licensed operator. The proposed amendment to this section provides for the creation of the new Very Small Water System (VSWS) license category. The section had used a point system to classify all water and wastewater system licenses. However, the proposed VSWS license is classified by definition rather than by point total.

N.J.A.C. 7:10 – 1.15 describes the criteria for taking the examination for each license. An amendment is proposed to establish criteria for the new VSWS license and the experience and education requirements associated with this license. Another proposed amendment provides that persons who hold a high school diploma, but do not hold an Associates Degree as defined in the rules, must complete a Department approved introductory course prior to applying to take an examination. For purposes of clarity, an amendment at N.J.A.C. 7:10 – 1.15 (a) 3 proposes the use of "any" of the courses required to replace "either or both" of the courses required.

Subchapter 2. Civil Administrative Penalties, Injunctive Relief, Suspension and Revocation of Operator License and Requests for Adjudicatory Hearings.

The heading of this subchapter is proposed for amendment to reflect that the Department may deny an application to renew an operator's license.

N.J.A.C. 7:10A-2.1 sets forth the purpose of this subchapter, which is to establish the procedures by which enforcement action will be taken for violations of this chapter. A proposed amendment is included to provide that the Department may deny an application to renew a license.

N.J.A.C. 7:10A – 2.5 sets forth those violations which may result in the Department's revoking an operator's license. A proposed amendment establishes that the Department may deny an application to renew a license, the terms and conditions under which this decision can be made, and the right of any person who has received notice that the Department intends to deny an application to renew a license, as with suspension or revocation, to request an adjudicatory hearing to appeal the decision.

Proposed amendments to N.J.A.C. 7:10A – 2.6 provide that any operator for whom a final decision has been made not to renew a license, shall be prohibited from conducting any activities which are authorized by that license.

N.J.A.C. 7:10A - 2.7 provides the specific procedure which the Department will follow when it issues an administrative order, assesses penalties, and/or suspends or revokes an operator's license. A proposed amendment was included to follow the same specific procedure when the Department denies an application to renew an operator's license.

N.J.A.C. 7:10A-2.8 establishes the procedures which a licensee must follow in order to request an adjudicatory hearing to appeal an administrative order issued, penalty assessed or suspension or revocation of license imposed by the Department. An amendment is proposed so that it is clear that there is the same right to an appeal and to provide the procedures to be followed where the Department makes an Administrative Decision not to renew an operator's license.

Social Impact

The Department believes that the proposed amendments will have a positive social impact by requiring licensed operators to supervise the operations of all public community water systems and all public nontransient noncommunity water systems. These trained personnel will assure that these water facilities have an adequate supply of safe potable drinking water and that consumers are confident that the water is safe to drink. Approximately 100 of New Jersey's 614 public community water systems and approximately 947 nontransient noncommunity water systems are not currently required to have licensed operators. Only three nontransient noncommunity water systems, which used surface water, are currently required to employ licensed operators.

The proposed amendments will also have a positive social impact by requiring that all water and wastewater operators obtain continuing education for operator license renewal. This will help them obtain the latest training in order to have the knowledge and understanding of the public health and environmental standards for both wastewater and drinking water. Although the USEPA guidelines only require continuing education requirements for water license renewal, both the New Jersey Section of the American Water Works Association and the New Jersey Water Environment Association support

continuing education requirements for operators. Therefore, the Department has used this opportunity to propose continuing education for both types of operator license.

The proposed amendments regarding training requirements are based on license classification with Class 3 & Class 4 water and wastewater license holders required to receive 36 hours of training over a specified three year time period and Class 1 & Class 2 license holders required to receive 18 hours of training over the same three year time period. The newly proposed VSWS license would require 12 hours of training for renewal. Training would be measured in units called training contact hours (TCHs).

Economic Impact

The rules, as modified by the proposed amendments, will continue the requirement that public community water treatment and distribution systems (exceeding 100 service connections), public surface water systems, and wastewater collection and treatment systems employ qualified licensed operators. In addition, the proposed amendments will expand the licensed operator requirement to approximately 100 additional public community water systems, without treatment, and all of the approximately 950 public nontransient noncommunity water systems, with or without a treatment. Almost all of these systems are small water purveyors with populations of 3,300 persons or less.

The number of hours for which a licensed operator is required for a newly regulated public community water system or public nontransient noncommunity water system can range from just several hours a month to 35 hours a week (a full time operator), depending on system complexity. Based on license classification, a system's cost to employ an operator can range from approximately \$10.00 to \$30.00 an hour. For less complex systems, where an operator is needed for only several hours a month, we estimate that an operator may charge from \$100 to \$400 a month. The Department recognizes that these are real increased operational costs for the affected water systems. However, the USEPA believes that these costs are necessary to assure that customers of any public community water system or public nontransient noncommunity water system are provided with an adequate supply of safe potable drinking water.

The current cost for the 180 hour introductory course needed to obtain a water treatment (T) or water distribution (W) license ranges from \$230 to \$600. As set forth in the summary, in order to minimize the cost in time and money to these newly regulated public community water systems and nontransient noncommunity water systems, the Department is proposing to amend the rules to create a new Very Small Water System (VSWS) license classification for less complex systems. This license classification will have less stringent training and testing requirements. The VSWS license will be valid only for those public community water systems without treatment and those nontransient noncommunity water systems that have relatively simple treatment. The proposed training requirements are a 13 hour course costing less than \$50. The Department will also eliminate the normal \$35 test fee. In this way, the

Department is working so that owners and employees can become properly trained and qualified operators of newly regulated water systems, thus minimizing the regulatory costs.

Proposed amendments also include the requirement that all licensed operators obtain TCHs in order to qualify for license renewal. The amount of training required varies with the license classification level. The higher the license level the more TCHs needed. Both the New Jersey Section of the American Water Works Association and the New Jersey Water Environment Association support the requirement of continuous training for water and wastewater operator license renewal. However, such a requirement may pose a burden on newly regulated, mostly small, water systems which have new operator requirements. In order to ease the training costs, the USEPA will provide reimbursements for the costs of training and certification for persons operating public community water systems and public nontransient noncommunity water systems serving 3,300 or fewer persons.

If the State of New Jersey does not comply with the February 5, 1999 USEPA guidelines, which specify the minimum standards for certification and recertification of operators of all public community and nontransient noncommunity water systems, by February 5, 2001, the 1996 Safe Drinking Water Act amendments require the USEPA to withhold 20% of the Drinking Water State Revolving Funds allocated to the State. Finally, in order to assure that a State's operator program funding is properly directed, the USEPA recommends that the State establish a fund, that is dedicated and self-sufficient.

Environmental Impact

The proposed amendments will continue to have a positive environmental impact within the State by assuring that water supply and wastewater systems are run by trained and experienced operators and run in a manner consistent with minimum public health, environmental and safety standards. The amendments broaden the Department's authority to require licensed operators for all public community and public nontransient noncommunity water systems. This will increase the number of public water systems which are operated by trained personnel.

In addition, the requirement of continuing education for operator license renewal will help to assure that New Jersey's water and wastewater systems are the responsibility of educated operators, who receive ongoing training in the regulatory, technical and safety requirements needed to perform their duties properly and understand the public health reasons for drinking water and environmental standards.

Federal Standards Statement

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq., require administrative agencies which adopt, readopt or amend any rule to which that order and law apply to provide a comparison with Federal law and to provide further discussion and analyses (including a cost benefit analysis) if the

standards or requirements imposed by the agency exceed standards or requirements imposed by Federal law. The Department has conducted such a review.

The 1996 Federal Safe Drinking Water Act amendments required the United States Environmental Protection Agency (USEPA) to publish guidelines specifying minimum standards for certification (and recertification) of the operators of community and nontransient noncommunity public water systems. On February 5, 1999, USEPA published in the Federal Register final "Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems." The guidelines provided States with the minimum standards for the development, implementation and enforcement of operator certification programs for community and nontransient noncommunity public water systems. Beginning two years after publication (February 5, 2001), the USEPA will withhold 20% of a State's Drinking Water State Revolving Fund capitalization grant funds unless the State has adopted and is implementing an operator certification program that meets the requirements of the published guidelines. These proposed State regulatory amendments are in accordance with the USEPA guidelines, as published, and they contain no requirement or standard that exceeds Federal guidelines.

Jobs Impact

The proposed amendments will result in an increase in the number of public water systems needing licensed operators. There are approximately 100 public community water systems, without treatment, serving fewer than 101 service connections and approximately 950 public nontransient noncommunity water systems, which do not use surface water. These systems currently are not required to have a licensed operator. The proposed amendments will require these systems to retain a licensed operator. The Department, therefore, anticipates that this may result in the creation of over 1,000 employment opportunities for those persons qualified to be licensed operators. In addition, we anticipate that the implementation of continuing education requirements, for operator license renewal, may expand the employment opportunities for course instructors.

Agriculture Industry Impact

The Department has determined that the proposed amendments will affect two agricultural businesses in the State of New Jersey. Both of these firms are public nontransient noncommunity water systems with no treatment on their wells. Therefore, these systems would be classified as VSWS and their operators would be eligible to operate under a VSWS license. As previously stated in the Summary above, VSWS license requirements are less stringent than the requirements for more complex water systems.

Regulatory Flexibility Analysis

These proposed amendments, will require that all public community water systems and nontransient noncommunity water systems employ the services of a licensed operator. They also apply to systems engaged in the collection and treatment of liquid waste or wastewater. In accordance with the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., the Department has determined that, of the approximately 2,400 systems to which the rules apply, approximately 800 may be considered small businesses. Of the approximately 1,050 public water systems required to have an operator for the first time, approximately 480 are classified as small businesses. Of these 480 small businesses, approximately 60 are public community water systems and 420 are public nontransient noncommunity water systems.

Affected small businesses will incur a cost for complying with this regulatory requirement. In order to ease the added cost of employing a licensed operator, the Department has created a Very Small Water System (VSWS) license, which will apply to many of these newly regulated water systems. As outlined in the Economic Impact above, the VSWS license is designed to ease the cost and training requirements for obtaining a license to operate a public community water system without treatment or a public nontransient noncommunity water system with relatively simple treatment. The VSWS program is designed to allow owners and employees, who have previously operated these facilities, to receive the appropriate training and testing to demonstrate the competency to operate these water systems in accordance with regulatory requirements.

The Department believes that there are no initial capital costs for compliance with these rules. Annual compliance costs will involve the hiring of a licensed operator to manage the system. The size and complexity of the system will determine the number of hours a licensed operator needs to be in attendance each week. Training and employment costs were discussed in the Economic Impact above. As noted, the Department has endeavored to design the proposed amendments so as to minimize the adverse effects on small businesses.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. WATER SUPPLY AND WASTE-WATER COLLECTION AND TREATMENT SYSTEMS: EXAMINING AND LICENSING OF OPERATORS

7:10A-1.1 Scope and construction of rules

(a) This chapter shall constitute the rules governing the eligibility, examining, and licensing of persons [for licenses] as operators of Industrial Wastewater Treatment Systems, Public Wastewater Collection Systems, Public Wastewater Treatment Systems, Public Water Treatment Systems, [and] Public Water Distribution Systems **and Public Non-Community Surface Water Treatment Systems.**

(b) - (c) (No change)

(d) Notwithstanding any provision of this chapter to the contrary, this chapter shall not apply, until October 1, 2003, to any public community water system, which serves 100 or fewer dwellings or properties and which does not use treatment, or to any nontransient noncommunity water system that does not use surface water.

7:10A-1.2 Definitions

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

["Bureau" means the Bureau of Revenue, CN 417, Trenton, New Jersey 08625.]

"Classification" means the level of [treatment] **operation** for a system, specifically, **VSWS**, 1, 2, 3 or 4, as determined pursuant to N.J.A.C. 7:10A-1.14.

* * *

"Division" means the Division of Revenue in the Department of Treasury.

"Examination and Licensing Unit" means the unit within Contract and Administrative Operations in the Department of Environmental Protection, P.O. Box 441, Trenton, New Jersey 08625-0441.

* * *

"License" means a certificate of competency, issued by the Department, stating that the holder has met the requirements of a particular system classification.

* * *

"Public Water Distribution System" means a system comprising structures which is a public community water system **or a public nontransient noncommunity water system** identified by a specific ID number pursuant to the Safe Drinking Water Act Regulations, N.J.A.C. 7:10, and which operating alone or with other structures, results in the derivation, conveyance (or transmission) or distribution of piped water for human consumption and domestic purposes.

* * *

"Training Contact Hours (TCHs)" means the hours of training a licensed operator has received through a seminar, workshop, training course, college course or other means as approved by the Department.

* * *

"Very Small Water System (VSWS)" means:

1. A public community water system, that serves 100 or fewer dwellings or properties, that does not use treatment; or

2. A public nontransient noncommunity water system which does not use treatment or uses treatment in the form of disinfection, home style ion exchange units or any other treatment that does not require chemical addition, process adjustment, backwashing, media

regeneration (for example, calcium carbonate filters, granular activated carbon, cartridge filters).

7:10A-1.3 Examining board

(a) - (d) (No change)

(e) The Board shall keep minutes of its meetings and it shall transmit its recommendations through the [Director, Division of Financial Management and] **Administrator**, General Services to the Commissioner.

7:10A-1.5 Advisory committee on training

(a) An Advisory Committee on Water Supply and Wastewater Licensed Operator Training is hereby established to:

1. (No change)

2. Coordinate the activities of New Jersey educational institutions offering or proposing to offer appropriate coursework[.];

3. Establish and periodically update standardized course outlines for the educational training of the operators of water supply and wastewater facilities leading to State licenses and specifying a minimum number of classroom hours for each[.];

4. Periodically review available textbooks in the field of water supply, water treatment and wastewater treatment, and make recommendations for standard textbooks which should be used for approved courses[.];

5. Act as a clearing house on matters affecting water supply and wastewater licensee training in New Jersey[.]; **and**

6. Review and make recommendations to the Department regarding those seminars, workshops, training courses, college courses or other means, which are acceptable as credit towards training contact hours for license renewal.

(b) - (d) (No change)

(e) Administrative support for the Advisory Committee shall be provided by the [Bureau of Revenue] **Examination and Licensing Unit**.

7:10A-1.9 License renewal requirements

(a) (No change)

(b) Each license holder shall renew his or her license by submitting a complete renewal application and the nonrefundable annual license fee to the [Bureau] **Division**, for a new license prior to September 30, of each year.

(c) (No change)

(d) As of October 1, 2000, all licensed operators shall accumulate TCHs to meet the continuing education requirements for license renewal. Effective October 1, 2003, all licensed operators shall demonstrate to the Board that they have completed the required number of TCHs, within the prior three year period, for license renewal. Every three calendar years after October 1, 2003 (that is, October 1, 2006, October 1, 2009, October 1, 2012, etc.), a licensed operator shall demonstrate that he or she has completed the required number of TCHs, within the prior three year period, for license renewal. The TCH's requirements are as follows:

<u>License Classification</u>	<u>Training Contact Hours</u>
3&4	36
CN, NS, NN, 1,&2	18
VSWS	12

1. For purposes of accumulating TCHs pursuant to this chapter, any seminar, workshop, training course or college course approved by the International Association for Continuing Education and Training is approved by the Department.

2. The Department shall review and approve, on an individual case basis, any other seminar, workshop, training course, college course or other means of training which is determined to be substantially equivalent to a seminar, workshop, training course, college course approved by the International Association for Continuing Education and Training.

(e) A licensed operator who has been licensed for less than three years is not required to demonstrate that he or she has completed the required number of TCHs. If a license upgrade is approved within the three year period, the TCH requirement for the lesser classification shall apply. TCHs are required for all water (T, W & VSWS) and wastewater (S, C, N, NS, CN, NN) licenses. Any TCHs approved for a water license applies to all water licenses. Any TCHs for a wastewater license applies to all wastewater licenses. A licensed operator who holds both water and wastewater licenses shall obtain the required number of TCHs for each category of license.

7:10A-1.10 Licensed operator required; exemptions

(a) Unless exempted pursuant to [(b)] (c) below, every owner of a system shall employ a licensed operator holding the license prescribed by the Department for that classification of system[.] as follows:

1. S licenses are licenses to operate a public wastewater treatment system.
2. C licenses are licenses to operate a public wastewater collection system.

3. T licenses are licenses to operate a public water treatment system. A T licensed operator may operate any VSWS.

4. W licenses are licenses to operate a public water distribution system. A W licensed operator may operate any VSWS.

5. N licenses are licenses to operate an industrial wastewater treatment plant.

6. NS licenses are licenses to operate an industrial wastewater treatment system consisting only of an oil water separator or a sedimentation unit.

7. CN licenses are licenses to operate only the public wastewater collection system which a person was operating on July 2, 1984. A CN license is restricted to a particular system, permits the operator to continue operating only that system, and shall not be used to meet the licensed operator requirements for any other system.

8. NN licenses are licenses to operate an industrial wastewater treatment system which a person was operating with a valid S-In license on July 2, 1984. However, the NN license shall not be used to meet the licensed operator requirements for any other system.

i. S-In licenses were licenses to operate industrial wastewater treatment systems. These licenses were discontinued effective July 2, 1984).

9. VSWS licenses are licenses to operate:

i. A public community water system, which serves 100 or fewer dwellings or properties, and which does not have treatment; or

ii. A public nontransient noncommunity water system which has no treatment or treatment in the form of disinfection, home style ion exchange units or any other treatment which does not require chemical addition, process adjustment, backwashing, media regeneration (for example, calcium carbonate filters, granular activated carbon, cartridge filters).

(b) [This] **The** licensed operator shall be in charge of the operation of the system.

1. If a system is reclassified by the Department, the licensed operator of the reclassified system may continue as the licensed operator of that system, regardless of the new classification of that system, **except that a VSWS licensed operator shall not operate a system reclassified so that it requires a T or W licensed operator.**

Recodify existing (b) and (c) as **(c) and (d)** (No change in text.)

[(d)] **(e)** A holder of an [NS] **NN** license shall serve as the licensed operator only at the system for which the [NS] **NN** license was issued.

[(e)] **(f)** (No change in text.)

[(f)] **(g)** Unless exempted pursuant to [(f)]**(g)** 1 through 3 below, class 3 treatment systems and class 4 treatment systems shall have the appropriate full-time licensed operator. In addition, class 4 treatment systems should have a licensee possessing any valid treatment license within the appropriate

system classification, physically present at the treatment system during that portion of each 24 hour period when the licensed operator is not present.

1. (No change)

2. A written request for an exemption pursuant to this subsection shall be submitted to the [Bureau] **Examination and Licensing Unit** and shall include the following:

i.- vi. (No change)

3. (No change)

[(g)] **(h)** (No change in text.)

[(h)] **(i)** Licensed operators shall notify the [Department's Bureau of Revenue] **Examination and Licensing Unit** at least two weeks prior to changing their positions or employment.

[(i)] **(j)** The owner of a system employing a new licensed operator shall notify, in writing, the [Bureau] **Examination and Licensing Unit** of the name of the new licensed operator within two weeks after the licensed operator begins his or her employment.

[(j)] **(k)** (No change)

7:10A-1.14 System classification

(a) Public wastewater treatment systems (S), public water treatment systems, or public non-community surface water treatment systems (T,**VSWS**), industrial wastewater treatment systems (N), public wastewater collection systems (C) and public water distributions systems (W,**VSWS**) shall be classified into one of the classes established in (b)1 through 5 below at Table I(S), Table I(T), Table I(N), Table I(C) and Table I(W) respectively.

1. [The] **Except for VSWS, the** Department shall assign points to each public wastewater treatment system (S), public water treatment system or public non-community surface water treatment system (T), and industrial wastewater treatment system (N) for every item in (c) below that applies. The classification of each system as determined by (b)1 through 3 below shall be based upon the total number of points assigned to it in accordance with (c)1 through 3 below in Table II(S), Table II(T) or Table II(N), respectively.

2. – 4. (No change)

(b) Systems are classified in accordance with the following tables:

1. (No change)

2. The classification of public water treatment systems or public non-community surface water treatment systems (**VSWS or T**) is as follows:

i. **"Very Small Water System (VSWS)" as defined at N.J.A.C. 7:10A - 1.10.**

ii. Table I(T)

<u>System class</u>	<u>T1</u>	<u>T2</u>	<u>T3</u>	<u>T4</u>
Range of points	30 or less	31 to 55	56 to 75	76 and greater

as determined
under (c)2 below

3. – 5. (No change)
(c) – (d) (No change)

7:10A-1.15 Criteria needed to take the examination for each license

(a) Persons applying to take an examination for a **Very Small Water System (VSWS)**, public wastewater treatment system (S), public water treatment system or public non-community surface water treatment system (T), public wastewater collection system (C) or public water distribution system (W) license shall meet the following requirements and possess the minimum education and experience requirements for the license applied for found in Table IIIA in (b) below.

1. Persons applying to take any examination and holding no degree higher than a high school diploma **or not holding an Associates Degree, as defined at N.J.A.C. 7:10A-1.2**, shall have successfully completed an introductory course approved by the [department] **Department** in the subject matter pertaining to the license being sought, prior to applying to take the examination.

2. (No change.)

3. [Either or both] **Any** of the courses required above may be waived if the applicant submits satisfactory proof of equivalent training to the [department] **Department**.

i. (No change.)

(b) Minimum admission requirements for the licensing examination for **VSWS**, S, T, C, and W treatment system licenses are as follows:

Table IIIA

<u>Personnel Classification</u>	<u>Education</u>	Operating experience (<u>years</u>)	Direct responsible charge experience (<u>years</u>)	Total experience (<u>years</u>)
VSWS	High School Diploma or equivalency certificate:	6 months	0	6 months
	Associates Degree:	6 months	0	6 months
	Bachelors degree category:	6 months	0	6 months
Classification 1	High School Diploma or equivalency certificate:	1	0	1

	Associates Degree:	1	0	1
	Bachelors Degree:	1	0	1
Classification 2	High School Diploma or e quivalency certificate:	3	0	3
	Associates Degree:	2	0	2
	Bachelors Degree:	1.5	0	1.5

Classification 3	High School Diploma or equivalency certificate:	3 plus	3	6
	Associates Degree:	2 plus	2	4
	Bachelors Degree:	1.5 plus	1.5	3
Classification 4	High School Diploma or equivalency certificate:	6 plus	4	10
	Associates Degree:	4 plus	3	7
	Bachelors Degree:	3 plus	2	5

(c) - (d) (No change)

SUBCHAPTER 2. CIVIL ADMINISTRATIVE PENALTIES, INJUNCTIVE RELIEF,
SUSPENSION AND REVOCATION OF OPERATOR'S LICENSE, **DENIAL
OF AN APPLICATION TO RENEW A LICENSE** AND REQUESTS FOR
ADJUDICATORY HEARINGS

7:10A-2.1 Purpose

This subchapter establishes the procedures governing the issuance of civil administrative orders, the assessment of civil administrative penalties and the suspension **of**, [or] revocation of, **or denial of an application to renew**, any license issued pursuant to this chapter and the Act.

This subchapter also governs the procedures for the submittal and review and grant or denial of requests for adjudicatory hearings on appeal from any administrative order, notice of civil administrative penalty assessment, notice of suspension of license, [or] notice of revocation of license, **or notice of intent to deny an application to renew a license**.

7:10A-2.5 Revocation of license **or Denial of Application to Renew a License**

(a) – (b) (No change)

(c)The Department shall deny an application to renew a licensee's license if that person has not accumulated the TCHs for license renewal in accordance with the provisions of N.J.A.C. 7:10A-1.9.

1. A licensee may request an adjudicatory hearing in accordance with the provisions of N.J.A.C. 7:10A-2.8 to contest a denial of an application to renew a license.

7:10A-2.6 Effect of suspension or revocation of license **or denial of an application to renew a license**.

Any person whose license has been suspended, [or] revoked, **or not renewed** pursuant to this subchapter shall not be considered a licensee and shall not conduct any activity as such until the license has been reinstated or a new license has been issued by the Department.

7:10A-2.7 Procedures for civil administrative orders, assessment of civil administrative penalties, [and] suspension or revocation of license, **or denial of an application to renew a license.**

(a) Any order, notice of civil administrative penalty assessment, notice of suspension of license, [or] notice of revocation of license, **or notice of intent to deny an application to renew a license** issued pursuant to this subchapter shall:

1.- 8. (No change)

9. In the case of a suspension **of a license**, [or] revocation of a license, **or denial of an application to renew a license, includes** a description of the specific grounds for the suspension, [or] revocation, **or the denial of an application to renew;** and

10. (No Change)

(b)– (c) (No change)

7:10A-2.8 Procedures to request an adjudicatory hearing to contest an administrative order, administrative penalty assessment, suspension of license, [or] revocation of license, **or the denial of an application to renew a license**

(a) To request an adjudicatory hearing to contest an administrative order, civil administrative penalty assessment, suspension or revocation of license, **or a denial of an application to renew a license**, the person requesting the hearing (hereinafter "petitioner") shall:

1. Submit the original request in writing to:

Attention: Adjudicatory Hearing Requests

Office of Legal Affairs

Department of Environmental Protection

P.O. Box 402

Trenton, New Jersey 08625-0402; and

2. (No change)

(b) - (e) (No change)